

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

**5:16-CR-143
(FJS)**

DANIEL CARROLL,

Defendant.

APPEARANCES

OF COUNSEL

**OFFICE OF THE UNITED
STATES ATTORNEY**

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Attorneys for the United States

TAMARA THOMSON, AUSA

**OFFICE OF THE FEDERAL
PUBLIC DEFENDER**

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Attorneys for Defendant

RANDI JUDA BIANCO, AFPD

SCULLIN, Senior Judge

ORDER

On May 16, 2016, this Court referred the matter of Defendant's competency to stand trial to Magistrate Judge Baxter. *See* Dkt. No. 14. On May 27, 2016, Magistrate Judge Baxter, with the consent of both parties and after observing Defendant in open court, issued an Order committing Defendant for a thirty-day psychiatric or psychological examination pursuant to 18 U.S.C. §§ 4241(a) and 4247(b) to determine his competency to stand trial. *See* Dkt. No. 15.

On July 7, 2016, Defendant arrived at the U.S. Medical Center for Federal Prisoners in Springfield, Missouri ("USMC Springfield"), and was evaluated and treated through August 5, 2016. *See* Dkt. No. 20 at 2. The Court received Forensic Psychologist Lea Ann Preston Baecht, Ph.D., ABPP's report regarding her psychological evaluation of Defendant to the Court on August 29, 2016, and filed the report under seal. *See* Dkt. No. 19. Dr. Baecht opined that Defendant was currently not competent to proceed in the pending criminal action and recommended, in light of Defendant's willingness to continue treatment, that the Court allow him to remain in treatment at USMC Springfield pending a competency hearing. *See* Dkt. No. 20 at 2 (citing 8/15/16 Report at p.7).

On September 9, 2016, Magistrate Judge Baxter conducted a competency hearing, at which Defendant, with his counsel's consent, appeared by video from USMC Springfield. The parties agreed that Dr. Baecht's opinion could be presented through her written report, and they waived their right to examine her. *See id.* After consulting with her client, Defendant's counsel agreed that Defendant was not currently competent to proceed and consented to his continuing treatment at USMC Springfield. The Government had no objection to that course of action. Magistrate Judge Baxter advised the parties that he would recommend that this Court find Defendant not competent and order that he remain at USMC Springfield for further examination and treatment to determine whether Defendant could regain competency, pursuant to 18 U.S.C. § 4241(d). *See id.* at 3. Finally, based on the consensus that Defendant was not currently competent and needed further treatment, the parties agreed that they would waive their right to have fourteen days within which to object to Magistrate Judge Baxter's Report-Recommendation. *See id.*

Having reviewed Dr. Baecht's psychological report of her examination of Defendant, in

which she concluded that Defendant was not currently competent to stand trial, and the parties' consensus regarding Dr. Baecht's conclusions regarding Defendant's competency and having no objection to Magistrate Judge Baxter's statement regarding the recommendation he would make to this Court, the Court hereby

ORDERS that Magistrate Judge Baxter's September 9, 2016 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

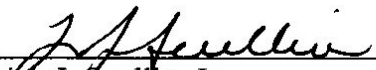
ORDERS that Defendant is entrusted to the custody of the United States Attorney General, pursuant to 18 U.S.C. § 4241(d), for hospitalization for treatment in a suitable facility, preferably by continued treatment at the U.S. Medical Center for Federal Prisoners in Springfield, Missouri, for a duration not to exceed four months to determine whether there is a substantial probability that in the foreseeable future Defendant will attain the capacity to permit these proceedings to go forward; and the Court further

ORDERS that, at the end of that period, the United States Attorney General shall return Defendant to the custody of the United States Marshal, who shall then promptly bring Defendant before the Court for reexamination of his competency to stand trial; and the Court further

ORDERS that the Clerk of the Court shall coordinate with the United States Marshal to serve a copy of this Order on Defendant **personally** and to also serve the warden at U.S. Medical Center for Federal Prisoners in Springfield, Missouri.

IT IS SO ORDERED.

Dated: September 12, 2016
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Judge